

**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
DECEMBER 30, 2003**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – November 20, 2003
5. Announcements:

**APPLICATION HAS BEEN WITHDRAWN:**

Anderson Place (619) – Application is to rezone 76.65 acres from Planned Unit Development to R-15 Single Family Residential (Low Density). Subject property is located on the west side of Highway 301 and south of Highway 302.

**Section 36, Township 1, Range 9**

**REQUEST TO CARRY OVER UNTIL JANUARY 29, 2004:**

Weatherby Estates (624) – Application is to rezone 69 acres from Agricultural to R-20 Single Family Residential (Low Density). Subject property is located on the north side of Oak Grove Road and west of Scott Road.

**Section 14, Township 3, Range 8**

**CONSENT AGENDA**

**MINOR SUBDIVISIONS**

6. **Wright Subdivision 2<sup>nd</sup> Revision of Lot 8 (6224)** – Application is to revise and existing plat with three lots on 8.0 acres. Subject property is located on the north side of Herbert Road and east of Red Banks Road, zoned Agricultural.  
Section 20, Township 2, Range 5  
\*\*\*REVISION MUST BE PLATTED AND RECORDED\*\*\*
7. **Larry McMurry Minor Lot** – Application is for one lot of 2.0 acres. Subject property is located on the south side of Bethel Road and east of Craft Road, zoned Agricultural-Residential.  
Section 29, Township 2, Range 6
9. **Hunter James Minor Lot** – Application is for one lot of 1 acre and one lot of 2 acres. Subject property is located on the north side of Pleasant Hill Road and west of Tchulahoma Road and is zoned Agricultural-Residential.  
Section 29, Township 2, Range 7.

**FINAL SUBDIVISION PLATS**

10. **Richmond Woods Estates (6228)** – Application is for final subdivision approval for 30 lots on 80.7 acres. Subject property is located on the west side of Gitter Road and south of Holly Springs Road, zoned Agricultural.  
Section 28, Township 3, Range 6

**OLD BUSINESS**

11. **Chappel Creek Estates (6219)** – Application is for preliminary approval of 50 lots on 42.32 acres. Subject property is located on the east side of Center Hill Road and south of Goodman Road, zoned R-30 Single Family Residential  
Section 33, Township 1, Range 5

## **NEW BUSINESS**

### **RE-ZONINGS**

12. Annabelle Planned Unit Development (623) – Application is to rezone 283 acres from Agricultural-Residential to Planned Unit Development. Subject property is located on the north side of College Road and west of Pleasant Hill Road.  
Section 11, Township 2, Range 7

### **SUBDIVISIONS**

13. Andrews Park (6222) – Application is for preliminary subdivision approval of 29 lots on 53 acres. Subject property is located on the east side of Bethel Road and north of Miller Road, zoned Agricultural.  
Section 13, Township 2, Range 6
14. J.N Hughey Subdivision 1<sup>st</sup> Revision (6227) – Application is for a revision of an existing recorded plat with 9 lots on 79 acres and an easement. Subject property is located on the north side of Bethel Road and .5 miles west of Highway 305, zoned Agricultural-Residential.  
Section 21, Township 2, Range 6

### **OTHER ITEMS**

15. Final Comprehensive Plan public meeting/hearing to be held in late January or early February

The DeSoto County Planning Commission met at 7:00 p.m. on Tuesday, December 30, 2003, in the Third Floor Boardroom of the Administration Building of DeSoto County located at: 365 Losher Street, Hernando, MS. Commissioners present were: Ed Williams, Jimmy Maxwell, Robin James, Larry Sykes, Julius Cowan, Mitch Mitchell, Claudia Niebanck, Leonard Lindsey, Charles McNemar Len Lawhon and Earl Ward. Planning Commission Staff included: Michael Garriga, DeSoto County Planner, Merritt Powell, Director, Jim McDougal, Transportation Coordinator, Andy Swims, County Engineer, Denise Dingman, Planning Commission staff and Katie Jewell County Attorney.

Chairman Mr. Lawhon called the meeting to order at 7:00 p.m., he then asked Mr. Jimmy Maxwell to lead the Commission in prayer.

Mr. Lawhon asked for a Motion to approve the November 20, 2003 minutes. Mr. Mitchell made a Motion to approve the minutes. Mr. Cowan seconded the Motion. The Motion was passed by a unanimous vote.

Ms. Niebanck then arrived at the meeting and took over as Chairman.

**APPLICATION HAS BEEN WITHDRAWN:**

**Anderson Place (619) – Application is to rezone 76.65 acres from Planned Unit Development to R-15 Single Family Residential (Low Density). Subject property is located on the west side of Highway 301 and south of Highway 302. Section 36, Township 1, Range 9**

**REQUEST TO CARRY OVER UNTIL JANUARY 29, 2004:**

**Weatherby Estates (624) – Application is to rezone 69 acres from Agricultural to R-20 Single Family Residential (Low Density). Subject property is located on the north side of Oak Grove Road and west of Scott Road. Section 14, Township 3, Range 8**

Mr. Garriga began by announcing the applicant has requested that this application be carried over until the January 29, 2004 Planning Commission meeting. He then announced that the developers are having a meeting regarding this application at the John Deere Dealership on Highway 304 at 7:30 for any interested parties.

Mr. Lindsey made a Motion to carryover this item until the January 29, 2004 meeting. Mr. Cowan seconded the Motion. The Motion was carried by a unanimous vote.

**CONSENT AGENDA**

**MINOR SUBDIVISIONS**

**Wright Subdivision 2<sup>nd</sup> Revision of Lot 8 (6224) – Application is to revise and existing plat with three lots on 8.0 acres. Subject property is located on the north side of Herbert Road and east of Red Banks Road, zoned Agricultural.**

Section 20, Township 2, Range 5

**\*\*\*REVISION MUST BE PLATTED AND RECORDED\*\*\***

**Larry McMurry Minor Lot – Application is for one lot of 2.0 acres. Subject property is located on the south side of Bethel Road and east of Craft Road, zoned Agricultural-Residential.**

Section 29, Township 2, Range 6

**Hunter James Minor Lot** – Application is for one lot of 1 acre and one lot of 2 acres. Subject property is located on the north side of Pleasant Hill Road and west of Tchulahoma Road and is zoned Agricultural-Residential.

Section 29, Township 2, Range 7.

**FINAL SUBDIVISION PLATS**

**Richmond Woods Estates (6228)** – Application is for final subdivision approval for 30 lots on 80.7 acres. Subject property is located on the west side of Gitter Road and south of Holly Springs Road, zoned Agricultural.

Section 28, Township 3, Range 6

Mr. Garriga announced the above items and stated that all the minor lots conform to the DeSoto County Zoning and Subdivision Regulations and are ready for approval, subject to dedication of road right of way, and health department approval. Mr. Sykes made a Motion to approve the minor lots and all items on the consent agenda, including the major final subdivision applications. Mr. Lindsey seconded the Motion. The Motion was passed by a unanimous vote.

## **OLD BUSINESS**

**Chappel Creek Estates (6219)** – Application is for preliminary approval of 50 lots on 42.32 acres. Subject property is located on the east side of Center Hill Road and south of Goodman Road, zoned R-30 Single Family Residential, Section 33, Township 1, Range 5

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Gerald Davis, from Jones-Davis Engineering as being present to represent the application.

Mr. Davis began by stating they looked at trying to make a connection with Miller Station, but that land is owned by TVA, there would most likely be right of way problems along with trying to cross the huge creek. It appears that the stream bed has degraded, and getting a bridge across would be a chore. Mr. Davis said he has no problem with the staff recommendations.

Mr. Lindsey asked if there would be a Homeowners Association and covenants? Mr. Davis answered saying he is certain there will be, this board recently approved another development with the same developer, and there is a high quality of covenants for that subdivision and he is sure there will be a Homeowners Association and covenants. Mr. Lindsey asked if they will be recorded? Mr. Davis responded by saying they will be recorded.

Mr. Mitchell asked about the house sizes. Mr. Garriga responded saying, the Lanesborough Estates Subdivision that was recently approved, the house sizes were going to be 2,300 – 2,400 square feet. Mr. Davis corrected in saying they are about 3,000

square feet with real stiff covenants. Mr. Garriga said he believes this subdivision will compare to Lanesborough Estates.

Mr. Powell asked if the property around the subject property is owned by the United States. Mr. Davis said “yes”, they are owned by TVA.

Ms. Niebanck asked about the sewer connection. Mr. Davis stated, the ones that are developing Miller Station are working on a pump station design that would pump from the subdivision to the Braybourne Treatment Plant. No written contract has been completed, but they have agreed in principal that the lift station would be made large enough to handle all of these developments. The sizing of the lift station would also depend on the timing of the development and the county interceptor sewer.

Ms. Niebanck asked if a copy of the covenants would be available before final application. Mr. Davis said “yes”.

Ms. Niebanck asked if there was anyone here for or against this application, there was none.

Mr. Mitchell began by saying he believes this subdivision fits in with the surrounding area and will be a nice development with nice size homes. Mr. Lawhon agreed that the R-30's do fit into the area, the only thing that needs to be looked at in the future is the construction of Center Hill Road and eventually opening Highway 78. Mr. Powell thinks the Board of Supervisors is thinking about this and it will be discussed.

Mr. Garriga said Mr. Medlin was concerned about the road and under the new subdivision regulations both the developments will be required to add a lane which will provide a lane and a half that will eventually give a five lane cross section. Construction plans will need to be given to Mr. Andy Swims, County Engineer.

Mr. Lawhon stated there needs to be a east/west corridor. Mr. Garriga then talked about the Nail Road alignment, west to Hacks Cross Road and stated this would be a good time to get road right of way and have a good east/west corridor. Mr. Lawhon said there defiantly needs to be a residential though fair.

Mr. Lawhon made a Motion to approve with staff recommendations. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

## **NEW BUSINESS**

### **RE-ZONINGS**

**Annabelle Planned Unit Development (623) – Application is to rezone 231 acres from Agricultural-Residential to Planned Unit Development. Subject property is located on the north side of College Road and west of Pleasant Hill Road. Section 11, Township 2, Range 7**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Bob Dalhoff from Dalhoff, Thomas, Daws and Mr. Barry Bridgforth as being present to represent the application.

Mr. Swims said there was not a plan for Stormwater detention. Mr. Dalhoff said they would know before the final application. Mr. Swims then briefly discussed the comments on page four of the staff report. Mr. Dalhoff said someone will sit down and meet the county engineer regarding these issues.

Mr. Dalhoff began by giving justification for the rezoning. The county is growing and changing, there is the extension of Church Road, three new schools in the area along with all the new development in the area and interceptor sewer is to be constructed. He then stated the staff report states this a 283 acre tract that is incorrect, it is 231.62 acres. Mr. Dalhoff then displayed the boundary plot plan and stated they want to save as many trees as possible. There is a 58' grade change along the property, so they are trying to work with the topography in relation to roads and the houses. He then displayed the site analysis and explained that the lot sizes that are proposed is minimum lot sizes, not exact. There are ponds, ridges, ect. They would also like to have a greenbelt system, the location will depend on the topography. The retirement area could also be used as office and residential homes if the market at that time states the retirement area would not be good and at that time they will come back with a site plan for that area. Mr. Dalhoff then presented an outline plan of the development, which explained the different areas throughout the development in relation to lot sizes and the residential and commercial areas. He further stated, the open space will be approximately 37 acres. Mr. Dalhoff then talked about Malone Road and the large boulevard. They wanted to save the large Oak trees in that area, and thought it would be nice to have that large boulevard, which would help enhance the development. Mr. Dalhoff then presented the Land Use Plan. The 20,000 & 12,000 square foot lots have a minimum home size of 3,000 square feet heated. The 10,000 & 8,000 have a minimum of 2,400 square feet and the retirement area has a minimum of 1,800 square feet. He said they are raising the bar on the size of homes in this area. The Bridgforth family owns a lot of the surrounding property which makes it very personal with them, this project is so personal that this development is named after his granddaughter. Mr. Dalhoff then presented the Preliminary Site Plan and stated this is site sensitive plan. This tract of land is very large, until you try to design roads and house locations. They are trying to work with the topography of the land. He then talked about the Phasing Plan. This is a large project and will be dictated by the market, he continued giving an illustration on the points of access during the phasing plan and talked about it will all connect at the end of the project. The phasing time could actually be cut in half depending on the market. Mr. Dalhoff then talked about the street cross sections and stated there will be an extra 5' of asphalt for a total of 27' and pointed to the locations for this. He concluded saying, they will work with the county engineer.

Ms. Niebanck asked if there would be curb and gutter? Mr. Dalhoff said "yes" in the areas that are less than 20,000 square feet.

Mr. Mitchell questioned number 6 on the staff report. Mr. Dalhoff responded saying, the only improvement we plan on is to go in and grub it out, we are not proposing any asphalt paths, there are many other alternatives, they would like to keep it natural.

Mr. Swims asked if the ditch pathways take up a significant amount of the open space. Mr. Dalhoff said “no”, the ditches take up very little of the open space. Mr. Bridgforth added, the drainage meets up with the common space, we may have to have detention ponds, and then when this is developed they would remove those detention ponds, but we will work the engineers regarding this issue.

Ms. Niebanck then asked about the general plan for preservation of the trees. Mr. Dalhoff replied saying, they have been working on this project for a while and the family is very sensitive to the land.

Mr. Williams then commended the design of this development, but his main concern is the curb and gutter and thinks it should comply with the county requirements. He was also concerned with the old road along Malone Road, it needs to be an open road and used College Hills as an example. Malone Road needs to be a straight Road, he also would like to save the trees, but is concerned about the safety of the road. Mr. Dalhoff then talked about a road in Germantown called Farmington Boulevard and there is a 100’ median, and is a gorgeous drive, there is still enough room for a turning lane, and it works. They were trying to save a piece of history (it was an old wagon trail) by framing the old road.

Ms. Niebanck asked why curb and gutter is being eliminating? Mr. Dalhoff answered saying we wanted the people to feel like they have entered into a different community. He has been here many times talking about curb and gutter on 20,000 square foot lots. There is a tremendous environmental advantage if developed correctly as far as runoff. There are many agencies who support the no curb and gutter issue. We put the 20,000 square foot lots in the roughest part of the development, which means if we put curb and gutter in, we will need to go with smaller lots, due to cost. We will loose the country feel, Bakersfield was approved as 20,000 square foot lots without curb and gutter.

Mr. Williams said the lots in the upper left hand corner will have driveways to Malone Road, which will create traffic. Mr. Dalhoff said “yes”, but with the median, it limits the turns, and the median makes it a traffic control device. When they pull out of the driveways, they will go north. Mr. Williams said his problem is, that needs to be a main road. Mr. Dalhoff said well I am sure you would also like to see trees to, he then stated there are medians in Bartlett, that has no trees and they look terrible.

Mr. Len Lawhon said there are 37 lots in area 7 with only one way in and out, and asked if he has any comments about that? Mr. Dalhoff said it is a loop street, where if there was an emergency, there are two ways in or out. Mr. Lawhon replied saying, that boulevard does not look any wider than a normal street. Mr. Dalhoff said he believes that is a 20’ median with two 20’ lanes, there should not be a problem getting in or out.

Mr. Lahwon then stated he is a huge advocate of saving trees, but the problem he has is when you are coming in on future Malone Road you would need to make a U-turn to get over to the lots, it going to be tough to do that. If there was a boulevard from Church Road to College Road that would be o.k., but with the short length, thinks it could be a problem. Mr. Lahown concluded by saying, saving trees could cost life's, and it is not worth it. Mr. Dalhoff responded saying, the reason we cut it down was, we did not want to make the crossing. He did say most of the major arterial roads do have boulevards and turn lanes in them, which this will have.

Mr. Lahwon said what is Malone Road going to be as it develops all the way out, it is a great design and thought, but from a county stand point, we do not want a potential problems.

Mr. Williams said at the south end there is a huge church (Shiloh Baptist Church) and it is built almost on the section line, so the road will need to be changed to get by the church property. Mr. Bridgforth stated he has already made a deal with Shiloh Baptist Church that they would give him 53'. The problem is the cemetery that is only 23' from the section line, so we will need to go around the cemetery and we are working on that now.

Mr. Mitchell asked if the surrounding cities have any objections to the boulevard. Mr. Dalhoff said "no", and at the appropriate time we will sit down with the county engineer and work out all of the details. Mr. Bridgforth said they will be away from the drip lines.

Ms. Niebanck asked if there was anyone here for or against this application, there was none.

Mr. Lawhon said he likes the plan, and if the applicant can work with the engineers on the details of the boulevard, then it may work out o.k. He further stated that he believes curb and gutter should be in the R-20's or establish a concrete drain way, drainage ditches are not maintained by homeowners or homeowners associations, they end up being covered up. He is not ready to eliminate curb and gutter. He would also like a little more detail regarding the retirement area, but since this is along Church Road, it seems to be logical for this area.

Mr. Williams then gave an example of the need for curb and gutter (Forest Meadows). Mr. Bridgforth said Dickens Place had the same problem, when they did Bridgmoor they stipulated that the homeowner or builder could not cut or cover the ditches. Mr. Jim Ivy, County Road Inspector did make a mistake and issued approvals for the improper culverts, and he did not go back in and dig it out. He will put in the restrictive covenants that know one is allowed to tough the ditches. He continued saying why don't we make the road 30' wide without curb and gutter. The R-20 lots are 100x200 and the R-30's are 100x300, so the only difference between the two is the back property is 90'-100'. He would like to see the county develop as R-20' without curb and gutter and keep the rural look and trees. He used Chickasaw Gardens as an example. Mr. Lawhon responded

saying he makes a fortune on cleaning ditches in Chickasaw, he respects Mr. Bridgforth's view, but he likes curb and gutter.

Mr. Mitchell said when we approved Forest Meadows, what was approved on paper was not what was applied on the ground. We did not make a bad decision, it is what happened out there, not what we had done. He is also an advocate of R-20's without curb and gutter, but the inspection process has been known not to work. The county needs to have control on what is done on the ground through an inspection process. He then asked Mr. Swims what his thoughts are on this issue.

Mr. Swims began by saying, it has been a problem ever since he has been here. The problem is if a person tries to lessen the bank on his property to make it more mowable or fill it in, it causes problems with the surrounding area. It can work, and a lot of times it depends on the topography, but if it is taken underground, it takes away a lot of problems, with less maintenance. He concluded by saying, there are pluses and minus on both sides.

Mr. Powell asked who is going to do the enforcement. If we (the county) stop building permits, we can enforce county regulations, but if we stop permits in a subdivision it hurts a lot of people and we are going to be sued (most likely not by the developer but by an individual who wants to build his own home). Mr. Mitchell replied saying the Homeowners Association.

Mr. Powell answered saying, there is no Homeowners Association until 98% of the development is complete, and by then it is usually too late.

Ms. Jewell, County Attorney added, we cannot enforce the homeowners association to take action, and there are a lot of homeowners associations in this county and a lot of them do not meet and don't know what the covenants say.

Mr. Dalhoff said most municipalities will not allow any building permits to be issued until everything is constructed and accepted by that city. The drainage ways are designed and put in ahead of time. At this point there was further general discussion regarding drainage and enforcement. It was decided that the drainage issue be worked out before or at the final application with the county engineer, this application is for rezoning.

Ms. Niebanck entertained a Motion.

Mr. Lawhon made a Motion to approve this application with staff recommendations and with the following stipulation: with the lack of curb and gutter in the R-20 lots, the drainage must be accepted and approved by the county engineer, and the maintenance of this drainage area be documented that it will not be disturbed. This application is justified by the change in the area with the surrounding growth stated by the applicant to warrant this rezoning. Mr. Lindsey seconded the Motion. The Motion was approved by a roll call vote of 10- 0.

At this point the board took a ten minute break.

Ms. Niebanck then talked about Julius Cowan and the page in his journal from the Planning Commission members and he thanked the board and presented a copy of that journal. Ms. Niebanck then said thank you to Denise Dingman and presented flowers as a gift, Mr. Garriga also said thank you. Ms. Dingman was thankful.

**Andrews Park (6222) – Application is for preliminary subdivision approval of 29 lots on 53 acres. Subject property is located on the east side of Bethel Road and north of Miller Road, zoned Agricultural. Section 13, Township 2, Range 6**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He added, he would like to get one if not two stub roads, but he understands the topography of the property. He then recognized Mr. Mark Davis with Davis Engineering being present to represent the application.

Mr. Lindsey asked if the topography would allow a stub road to go to the east? Mr. Garriga said it will be tight, but he would have Mr. Davis address that issue.

Mr. Mark Davis – Davis Engineering, 5350 Poplar, Memphis, TN, he began by saying, Mr. Brad Rainey (applicant) is available tonight to answer any questions. They agree with the staff recommendations. He stated turning the coves into stub road is a major issue, and is strictly due to the topography of this property. The topography is substantial, there is a bluff that follows the entire property, there is also a line of trees that they are trying to save. He added, they could work out the elevations to the north, they have looked at house and driveway locations. The driveways can be worked up the slopes, but when dealing with public roads, that is another issue. The east side drops off, and will have to work out. Someone asked if it could be worked around the bluff, there is a ditch carrying about 90 acres of water at the base of the bluff. It would be very difficult if not impossible stubbing the road to the east. He must stay off the bluff. He is trying to work with the north cove and make it work. They are trying to create a rural setting, save as many trees as possible and some of the lots will need to be filled. Mr. Davis said he understands the need for connectability, but there are only 29 lots, we are close to an intersection of two good size roads and don't know if there is a need for a east/west collector road. They would like to work the staff and eliminate the east and south stub roads, in addition, this proposal meets and exceeds the county subdivision regulations. The density is less than what is required.

Mr. Williams asked if this would have its own sewer. Mr. Davis answered saying "yes", they are still trying to decide what would work best for this development. They are discussing individual pre package treatment units, they are still talking with the state and the health department.

Mr. Williams then asked about the Star Landing Road alignment and where Miller Road will come. Mr. Powell answered saying Star Landing and Miller Road are on the same

alignment. Mr. Swims stated he has not looked at it, but it does not seem to be a problem.

Mr. Mitchell asked if there is a pond on the property. Mr. Garriga said it is a lake. Mr. Mitchell then asked if it drains to the south west? Mr. Davis answered saying "yes". The main road coming in will have a lot of vertical changes, which will also add a lot of character. They are also going to try to minimize the amount of grading on this property.

Ms. Niebanck asked if there was anyone here for or against this application, there was none. She then entertained a Motion.

Mr. Lindsey made a Motion to approve with staff recommendations and to have a stub road to the north only. Mr. Ward seconded the Motion. The Motion was passed by a unanimous vote.

**J.N Hughey Subdivision 1<sup>st</sup> Revision (6227) – Application is for a revision of an existing recorded plat with 9 lots on 79 acres and an easement. Subject property is located on the north side of Bethel Road and .5 miles west of Highway 305, zoned Agricultural-Residential. Section 21, Township 2, Range 6**

Mr. Garriga presented the application and presented the staff report to the Planning Commission. He then recognized Mr. Thomas King as being present to represent the application.

Mr. Lindsey stated if he owned that 40 acre tract of land, he would want to build a road to it. Mr. Powell said the regulations state if there is a parcel of land there must be an easement and must be platted and recorded, if there is not a public road access.

Mr. Garriga stated he wants to see a lot number on the parcel for tax and other reasons.

Mr. Lawhon said he is a little disturbed when there is already a board order stating no further division of the land unless a road is built, and thinks we need to abide by it. We don't mind helping people out, but that order should stand. Thereupon Mr. James stated he agrees with Mr. Lawhon, he also tends to lean toward the landowner but this is getting convoluted, that easement is just too long. There is nearly 2,400 feet to get to this property.

Mr. King stated he was not aware of the board order until just a few minutes before tonight's meeting. He then suggested, that the existing 50' strip would be made to a 100' strip (the lot owners are willing to provide the extra footage), which would solve the issue of no other lots being created on the existing easement. They will also put a note on the plat that lot one is not part of this subdivision. This was brought to you as a final plat, but it is really between a preliminary and a final.

Mr. Mitchell stated the owners will need to agree to take lot one out of this subdivision. Mr. King responded saying, they are already agreeing on that.

Mr. Lawhon said the order states no further division. Mr. King said “yes”, but on that easement. Mr. Lawhon replied saying, the only reason we allow easements is for large family property owners to allow their kin to build. We don’t really like easements, but it does give people a chance since most families cannot afford to build a county road. He is not interested in allowing more easements to an easement. Mr. King responded saying, he appreciates that, but the order states no further division on that easement, this is all for family. Eventually if the 44 acres is developed, there will be a 100’ wide road.

Ms. Katie Jewell, County Attorney, said it is up to this board to recommend what they want to recommend to the Board of Supervisors.

Mr. Sykes said there is a bigger issue here, when the easement was granted originally, lot two was only 866’ from the road way and now if this is granted and they decide to build a house on lot 2A & 2B, there will be 2,500 from the road way. That is a long way from the existing road. This was a county road like the board requested this would not be a problem.

Mr. Lindsey said even if this was a paved road he would have a problem due to the toothbrush lots.

Ms. Niebanck said if Mr. King was unaware of this board order, he was working on this not knowing the conditions. Maybe there is a way of working with the property owners and possibly building a road.

Mr. King then asked for this application to be tabled.

Mr. Lindsey made a Motion to table this item. Mr. Mitchell seconded the Motion. The Motion was passed by a unanimous vote.

Mr. Garriga then gave a quick update on the Comprehensive Plan.

There being no further business in front of the Planning Commission, this meeting adjourned at 10:10 p.m. These minutes were recorded and transcribed by Denise Dingman.

